

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2243**

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**Introduced by Assembly Member Carter**

February 20, 2008

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An act to amend Sections 35707, 35710, and 35711 of, and to add Sections 35710.2, 35710.3, and 35710.4 to, the Education Code, relating to school district reorganization.

LEGISLATIVE COUNSEL'S DIGEST

AB 2243, as amended, Carter. School district reorganization.

(1) Existing law prescribes the procedure to reorganize school districts, including the filing of a petition with the county superintendent of schools by specified persons. Existing law authorizes a county committee on school district reorganization to authorize petitions to transfer territory, other than petitions to transfer uninhabited territory from one district to another, ~~as specified~~, or to transfer inhabited territory of less than 10% of the assessed valuation of the district from which the territory is being transferred, ~~as specified~~, if it finds that certain specified conditions substantially are met ~~and~~. *Existing law* requires the committee, if it approves such a petition, to notify the county superintendent of schools, who in turn is required to call an election in the territory of the districts, as determined by the county committee, to be conducted at the next election of any kind in accordance with specified statutory provisions regarding elections.

This bill would authorize a county committee to approve a petition to create one or more new school districts if specified conditions are met, including the granting of approval authority by each county superintendent of schools with jurisdiction over an affected school

district that elects to grant approval authority to the county committee on school district reorganization for which he or she is secretary, and the governing board of each of the affected school districts consents to the petition. The bill would apply the requirements described above regarding approval of petitions to transfer territory, notification of the county superintendent, and calling an election to petitions to create one or more new school districts pursuant to the bill.

(2) Existing law requires a county superintendent of schools to transmit petitions to transfer territory simultaneously to the county committee and to the State Board of Education within 30 days after the petitions are filed.

This bill would apply that requirement to petitions to create one or more new school districts pursuant to the bill.

(3) The bill would designate the county committee as the lead agency, as defined, for purposes of the California Environmental Quality Act (CEQA) for petitions to transfer territory and petitions to create one or more new school districts that the committee considers. The bill also would authorize a county committee and any or all affected school districts to enter into an agreement to share the costs of complying with requirements associated with the review of those petitions and serving as the lead agency for purposes of CEQA.

(4) Existing law requires a county committee to expeditiously transmit petitions to reorganize school districts, not including petitions to transfer territory, to the state board together with its recommendations thereon. Existing law requires the state board to conduct hearings regarding those petitions and recommendations pursuant to specified statutory provisions.

This bill would apply those requirements to petitions to create one or more new school districts pursuant to the bill that are not approved by the county committee *and would designate the state board as the lead agency, as defined, for purposes of CEQA for those petitions.*

(5) This bill also would make other clarifying and conforming changes.

(6) By requiring local agencies to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35707 of the Education Code is amended  
2 to read:

3 35707. (a) Except for petitions for the transfer of territory or  
4 petitions to create one or more new school districts that meet the  
5 conditions described in Section 35710.2, the county committee  
6 expeditiously shall transmit the petition to the state board together  
7 with its recommendations on the petition. It also shall report  
8 whether any of the following, in the opinion of the committee,  
9 would be true regarding the proposed reorganization as described  
10 in the petition:

11 (1) It adversely would affect the school district organization of  
12 the county.

13 (2) It would comply with Section 35753.

14 (b) Petitions for transfers of territory and petitions to create one  
15 or more new school districts that meet the conditions described in  
16 Section 35710.2 shall be transmitted pursuant to Section 35704.

17 SEC. 2. Section 35710 of the Education Code is amended to  
18 read:

19 35710. (a) For all other petitions to transfer territory and  
20 petitions to create one or more new school districts that meet the  
21 conditions described in Section 35710.2, if the county committee  
22 finds that the conditions enumerated in paragraphs (1) to (10),  
23 inclusive, of subdivision (a) of Section 35753 substantially are  
24 met, the county committee may approve the petition and, if  
25 approved, shall notify the county superintendent of schools who  
26 shall call an election in the territory of the districts as determined  
27 by the county committee, to be conducted at the next election of  
28 any kind in accordance with either of the following:

29 (1) Section 1002 of the Elections Code and Part 4 (commencing  
30 with Section 5000) of Division 1 of Title 1.

31 (2) Division 4 (commencing with Section 4000) of the Elections  
32 Code.

(b) A petition to create one or more new school districts that meets the conditions described in Section 35710.2, but is not approved by the county committee, shall be transmitted to the state board pursuant to subdivision (a) of Section 35707 and heard by the state board pursuant to Section 35708. *The state board shall be designated the lead agency, as defined in Section 21067 of the Public Resources Code, for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for each petition transmitted pursuant to this subdivision.*

SEC. 3. Section 35710.2 is added to the Education Code, to read:

35710.2. Notwithstanding any other provisions of law, a county committee may approve a petition to create one or more new school districts if both of the following conditions are met:

(a) Each county superintendent of schools with jurisdiction over an affected school district elects to grant approval authority to the county committee on school district organization for which he or she is secretary pursuant to Section 4012.

(b) The governing board of each of the affected school districts consents to the petition.

SEC. 4. Section 35710.3 is added to the Education Code, to read:

35710.3. A county committee shall be designated the lead agency, as defined in Section 21067 of the Public Resources Code, for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for each petition it considers pursuant to Sections 35709 and 35710.

SEC. 5. Section 35710.4 is added to the Education Code, to read:

35710.4. A county committee and any or all affected school districts may enter into an agreement to share the costs of complying with requirements described in Sections 35709, 35710, and 35710.3.

SEC. 6. Section 35711 of the Education Code is amended to read:

35711. (a) A person questioning the finding of the county committee pursuant to Section 35709 or 35710 that the action to reorganize one or more school districts will not adversely affect

1 the racial or ethnic integration of the schools of the districts  
2 affected; may appeal a decision ~~made upon such a~~ *that is based*  
3 *on the finding*. The appeal shall be made to the state board within  
4 30 days. The appeal shall be based upon factual and statistical  
5 evidence.

6 If

7 (b) If the state board denies the appeal, the decision of the county  
8 committee shall stand. If the state board approves the appeal, it  
9 shall review the findings of the county committee at a regular  
10 meeting of the state board.

11 The

12 (c) The state board shall notify the county committee on its  
13 decision on the appeal. If the state board approves the appeal, the  
14 county committee shall transmit a copy of the proceedings to the  
15 state board within 30 days after receipt of notice. The state board  
16 shall review the transcript, considering all factors involved. The  
17 state board may reverse, or may affirm, the decision of the county  
18 committee, or if it appears that inadequate consideration was given  
19 to the effect of the transfer on integration of the schools of the  
20 districts affected, it shall direct the county committee to reconsider  
21 its decision and for this purpose to hold another hearing.

22 SEC. 7. If the Commission on State Mandates determines that  
23 this act contains costs mandated by the state, reimbursement to  
24 local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.